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In the Iowa Supreme Court

OCT **26** 2017

In the Matter of Adopting)	CLERK SUPREME COURT
New Iowa Court Rule 20.3 for)	
Supreme Court Clerk Retention of	j	
Appellate Records and Relocating)	
Iowa Court Rules 22.37 and	Order	
22.38 Concerning Purging of)	
District Court Case Files into	j	
Chapter 20 of the Court Rules	j	
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The Iowa Supreme Court adopts new Iowa Court Rule 20.3 regarding the supreme court clerk's retention of appellate records. Rule 20.3 provides that once the supreme court clerk has reproduced supreme court and court of appeals original records in a "reasonably permanent legible means," the clerk "may destroy the original records." The new court rule is provided with this order.

A related change to the court rules involves moving the rules on purging district court civil and criminal case files, currently set forth as rules 22.37 and 22.38, from the chapter 22 rules on "judicial administration" into chapter 20 of the court rules, which is specific to "court records" of the judicial branch. Rules 22.37 and 22.38 are rescinded and adopted as renumbered rules 20.4 and 20.5 as provided with this order.

The court previously asked for public comment on these changes to the court rules and has considered each comment received. The court appreciates comments that attorneys, organizations, and members of the public provide.

These changes to the Iowa Court Rules, including adoption of new rule 20.3 and the rescinding of rules 22.37 and 22.38 adopted as rules 20.4 and

20.5 respectfully, are effective immediately.

Dated this 26th day of October, 2017.

The Supreme Court of Iowa

Ву

Mark S. Cady, Chief Justice

Mul G. Coly

Copies to:

, Nowa Supreme Court Nowa Court of Appeals Chief Judges /Senior Judges /District Court Judges District Associate Judges Judicial Magistrates State Court Administrator District Court Administrators Supreme Court Clerk Clerks of Court Director of Judicial Branch IT The Iowa State Bar Association ✓Attorney General State Public Defender Office of Professional Regulation Polk County Bar Association Yowa Academy of Trial Lawyers √łówa Association for Justice Jowa Legal Aid ✓ Iowa Defense Counsel Association ✓ Iowa County Attorneys Association Nowa Clerk of Court Association Administrative Code Editor Thomson Reuters Mead Data Central, Inc. Drake University Law School University of Iowa College of Law Creighton University School of Law

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CHAPTER 20 COURT RECORDS

CLERK SUPREME COURT

Rule 20.1	Court records
Rule 20.2	Reports and transcripts of court proceedings
Rule 20.3	Records of the Supreme Court and Court of Appeals
Rule 20.4	Purging of case files
Rule 20.5	Purging of case files — lists

CHAPTER 20 COURT RECORDS

- **Rule 20.1 Court records.** The rules in this chapter govern the creation, storage, retention, duplication, reproduction, disposition, destruction of, and public access to records of the judicial branch of government.
- **20.1(1)** "Records of the judicial branch of government" are all records, regardless of physical form, characteristics, or means of transmission, made or received in connection with the transaction of official business of the judicial branch of government and consist of court records and administrative records.
- **20.1(2)** "Court records" are the contents of the court file, including the docket and other similar records generated to document activity in a case, transcripts filed with the clerk, documentary exhibits in the custody of the clerk, and any record of court proceedings produced by means authorized by the supreme court.
- **20.1(3)** "Administrative records" are all records other than court records made or received by the judicial branch pursuant to court rule or state law, or in connection with the transaction of official business of any judicial branch entity.
- Rule 20.2 Reports and transcripts of court proceedings. The supreme court shall designate the types of court proceedings that must be reported and prescribe the manner, procedures and equipment to be used for creating, retaining, duplicating, reproducing and destroying a report of any proceeding in any court in this state.

Rule 20.3 Records of the Supreme Court and Court of Appeals. The clerk of the supreme court may:

20.3(1) Reproduce original records of the supreme court and of the court of appeals by any reasonably permanent legible means including, but not limited to, reproduction by photographing, photostating, microfilming, computer cards,

and electronic digital format. The reproduced record has the same authenticity as the original record.

20.3(2) After the original record is reproduced, the clerk of the supreme court may destroy the original records.

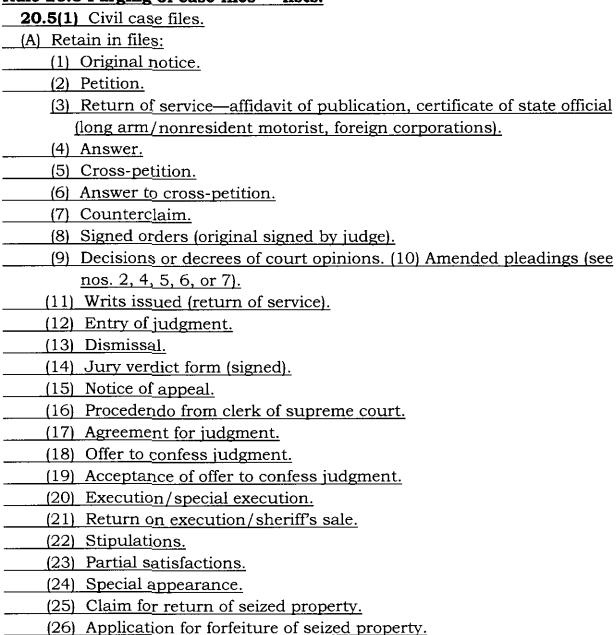
Rule 20.4 Purging of case files.

- **20.4(1)** Each clerk of the district court may purge civil case files ten years after final disposition. For purposes of this rule and rule 20.5, civil case files do not include juvenile, mental health, probate, or adoption proceedings. Each district court clerk may purge criminal case files ten years after dismissal of all charges, or ten years after the expiration of all sentences imposed or the date probation is granted, whichever later occurs. For purposes of this rule and rule 20.5, "purging" means the removal and destruction of documents in the case file which have no legal, administrative or historical value. The documents are to be retained or discarded in accordance with the purging lists in rule 20.5.
- **20.4(2)** Purging shall be done prior to reproduction of an entire court file in preparation for destruction under Iowa Code section 602.8103. A file shall be purged only once, pursuant to the provisions of this rule in effect at the time of purging.
- 20.4(3) Each clerk of the district court shall designate either the clerk or a deputy as the "Records Management Specialist." The records management specialist shall be responsible for implementing office procedures for records management and retention, including the implementation of this rule. The records management specialist shall be the local supervisor who will answer questions about purging any documents not on the lists provided in rule 20.5. Any question not answerable by the records management specialist shall be referred to the district court administrator, who may refer questions to the state court administrator.
- 20.4(4) The district court clerk need not give notice to any agency, attorney, party, or other group before purging any files under this rule and rule 20.5. Any government agency, historical society, group, or person may request and obtain any or all purged documents upon making written request to the local district court clerk, and tendering payment therefor. District court clerks shall cooperate with reasonable requests of local and state historicalsocieties when implementing purging operations.
- 20.4(5) Case files will be excepted from this rule only upon court order signed by a majority of the district judges of that district. The order may prohibit purging specific court files in whole or part, and must state the reason for the prohibition.

- **20.4(6)** Purging of case files in proceedings involving parental notification of a minor's abortion under Iowa Code chapter 135L shall be in accordance with Iowa Ct. R. 8.32(3).
- **20.4(7)** Orders appointing condemnation commissioners shall be retained for five years and then destroyed without reproduction.
- **20.4(8)** One year after filing, district court clerks may destroy, without reproduction, "Confidential Information Forms" filed pursuant to Iowa Code section 602.6111.

Rule 20.5 Purging of case files — lists.

(27) Release and/or satisfaction.



(B) Discard from files (EXCEPT in those cases excluded in rule 20.4(1)):
(1) All duplicates of original documents.
(2) Bonds.
(3) Motions/Applications:
(a) Amend
(b) Change venue
(c) Dismiss/demurrer
(d) Strike
(e) Quash
(f) More specific statement
(g) Summary judgment
(h) Consolidation
(i) Stay
(j) Compel
(k) Sanctions
(l) New trial
(m) Reconsideration
(n) Enlarge and amend
(o) Continuance
(p) Consolidate or sever
(q) Judgment notwithstanding verdict
(r) Examinations of judgment debtor
(s) Substitute party
(t) Withdrawal of attorney
(u) Condemn funds
(v) Citation for contempt
(4) Response to any motion.
(5) Briefs.
(6) Notice of deposition.
(7) Deposition transcripts.
(8) Interrogatories and answers.
(9) Notice of interrogatories.
(10) Request for production.
(11) Response to request for production.
(12) Request for admissions and responses.
(13) Pretrial compliance reports.
(14) Trial certificates.
(15) Objections to trial certificate.
(16) Subpoenas.
(17) Proposed jury instructions.

(18) Witness lists; exhibits lists.
(19) Correspondence.
(20) Directions to sheriff for service.
(21) Demand for jury trial.
(22) Certificate of reporters re: costs of or taking deposition.
(23) Order condemning funds.
(24) Scheduling order or notices.
(25) Orders that only set hearings.
(26) Strike list notices.
(27) Warrant for arrest of contemnor.
(28) Entry of default.
(29) Jury instructions.
(30) Receipts for exhibits.
(31) Praecipe.
(32) Affidavit of amount due.
(33) Affidavit of payments made.
20.5(2) Criminal case files.
(A) Retain in files:
(1) Trial information and minutes of testimony.
(2) Indictment.
(3) Amended trial information.
(4) Written plea of guilty.
(5) Opinion or decision of court.
(6) All orders of court, except those only setting a hearing.
(7) Jury instructions.
(8) Jury verdict (signed).
(9) Notice of appeal.
(10) Procedendo from clerk of supreme court.
(11) Notice of dismissal of appeal.
(12) Judgment entry.
(13) Sentencing entry.
(14) Presentence investigation report and associated reports.
(B) Discard from files (EXCEPT in those cases excluded in rule 20.4(1)):
(1) All duplicates of original documents.
(2) All copies and originals of jail booking forms and receipts.
(3) All subpoenas issued and returned.
(4) Written stipulations.
(5) Warrant for arrest.
(6) Return on warrant.

(7) Bail bonds.
(8) Recognizance agreements to appear.
(9) Written arraignment.
(10) <u>Motions:</u>
(a) To suppress and response
(b) Change of venue and response
(c) Limine and response
(d) To dismiss and response
(e) To sever trial and response
(f) Bill of particulars and response
(g) To amend trial information
(h) For appointment of counsel
(i) For withdrawal of counsel
(j)_To determine competency
(k) To consolidate trial
(l) For continuance
(m) To correct sentence
(n) Reduction of bail or review conditions of release
(o) To revoke bail or pretrial release
(p) To forfeit bail
(q) To compel
(11) Orders that only set hearings.
(12) Briefs.
(13) Proposed or requested jury instructions.
(14) Pretrial conference reports, minutes, or orders.
(15) Notices of depositions.
(16) Scheduling notices.
(17) Requests for transcripts.
(18) Registered mail receipt cards or letters returned.
(19) Receipts for evidence.
(20) Correspondence from attorneys.
(21) Nonsubstantive correspondence from defendants.
(22) Application to revoke probation, or to adjudicate guilt, or to revoke
deferred judgment.
(23) Magistrate's transcript.
(24) Complaint forms.
(25) Media coordinator requests.
(26) Appearance of attorney.
(27) Witness lists

(28) Notice of special defense (i.e., insanity, intoxication, alibi, duress	1
etc.).	•
(29) Iowa R. Crim. P. 2.14(2)(a), disclosure required upon receipt (not	<u>ce).</u>
(30) Application for search warrant.	
(31) Return on search warrant.	
20.5(3) Divorce/Dissolution of Marriage/Separate Maintenance/Child	
Support and Paternity case files.	
(A) Retain in files:	
(1) Original notice.	
(2) Petition for divorce, separate maintenance, dissolution of marriage	e.
child support, or to determine paternity.	<u>-1</u>
(3) Return of service—affidavit of publication.	
(4) Acceptance of service.	
(5) Answer.	
(6) Cross-petition.	
(7) Answer to cross-petition.	
(8) Signed orders (original signed by judge).	
(9) Decrees or decisions of court.	
(10) Amended pleadings (see nos. 2, 5, 6, or 7).	
(11) Writs issued (return of service).	
(12) Entry of default.	
(13) Dismissal.	
(14) Notice of appeal.	
(15) Procedendo from clerk of supreme court.	
(16) Paternity test results.	
(17) Petition or application for modification.	
(18) Answer to petition or application for modification.	
(19) Order for temporary support or temporary custody.	
(20) Stipulations.	
(21) Execution/special execution.	
(22) Satisfaction/partial satisfaction.	
(23) Appearance by attorney or party.	
(24) Assignments of judgments and terminations of assignments.	
(25) Financial affidavits.	
(26) Child support worksheets.	
(27) Confidential information required under Iowa Code section 598.2	<u>2B.</u>
(B) Discard from files:	
(1) All duplicates of original documents.	
(2) Bonds.	

(3) Motions/applications:
(a) Amend
(b) Change venue
(c) Dismiss/demurrer
(d) Strike
(e) Quash
(f) More specific statement
(g) Stay
(h) Compel
(i) Sanctions
(i) New trial
(k) Reconsideration
(l) Enlarge and amend (Iowa R. Civ.P. 1.904(2))
(m) Continuance
(n) Examinations of judgment debtor
(o) Withdrawal of attorney
(p) Condemn funds
(q) Citation for contempt
(4) Response to any motion.
(5) Briefs.
(6) Notice of deposition.
(7) Depositions transcripts.
(8) Interrogatories and answers to interrogatories.
(9) Notice of interrogatories.
(10) Requests for production.
(11) Response to requests for production.
(12) Requests for admissions and responses.
(13) Trial certificates.
(14) Objections to trial certificates.
(15)_Subpoenas.
(16) Correspondence.
(17) Directions to sheriff for service.
(18) Certificate of reporters re: costs of or taking depositions.
(19) Order condemning funds.
(20) Scheduling order or notices.
(21) Orders that only set hearings.
(22) Warrant for arrest of contemnor.
(23) Strike list notices.
(24) Receipts for exhibits.
(25) Proof of partice by Child Support Pecovery Unit

(26) Certificate of completion of parent education program.

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CHAPTER 22 JUDICIAL ADMINISTRATION

CLERK SUPREME COURT

Rule 22.1	Supervision of courts
Rule 22.2	Recall and transfer of judges
Rule 22.3	Selection of chief judges
Rule 22.4	Order appointing chief judge
Rule 22.5	Duties and powers of chief judges
Rule 22.6	Court and trial sessions
Rule 22.7	Case assignment
Rule 22.8	Judicial district scheduling
Rule 22.9	Change of venue to another judicial district
Rule 22.10	Judges — monthly report
Rule 22.11	Practice of law by judges
Rule 22.11	Senior judges
Rule 22.12 Rule 22.13	Service by retired judges
Rule 22.14	Judicial vacation
Rule 22.14 Rule 22.15	Quasi-judicial business
Rule 22.15 Rule 22.16	Preaudit travel claims of judiciary — definitions
Rule 22.17	Reimbursable travel
Rule 22.17 Rule 22.18	Transportation Rule 22.19 Lodging
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Rule 22.25 Rule 22.26	Services against the state Personal disclosure
Rule 22.26 Rule 22.27	Definitions
Rule 22.27 Rule 22.28	Transcripts — rates for transcribing a court reporter's
Rule 22.20	official notes
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Rule 22.29	Marriage fees received by a judicial officer
Rule 22.30	Use of signature facsimile
Rule 22.31	Juror compensation
Rule 22.32	Magistrates — annual school of instruction
Rule 22.33	Nepotism
Rule 22.34	Judicial branch appointments
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Rule 22.36	Paper size and requested copies
Rule 22.37 ——	Purging of case files
Rule 22.38	Purging of case files — lists
Rules 22.37 to 22.38	Reserved Staffing offices of clarks of court
Rule 22.39	Staffing offices of clerks of court Public business hours of offices of clerks of court
Rule 22.40	rubic business hours of offices of cierks of court

CHAPTER 22 JUDICIAL ADMINISTRATION

Rule 22.37 Purging of case files.

- 22.37(1) Each clerk of the district court may purge civil case files ten years after final disposition. For purposes of this rule and rule 22.38, civil case files do not include juvenile, mental health, probate, or adoption proceedings. Each district court clerk may purge criminal case files ten years after dismissal of all charges, or ten years after the expiration of all sentences imposed or the date probation is granted, whichever later occurs. For purposes of this rule and rule 22.38, "purging" means the removal and destruction of documents in the case file which have no legal, administrative or historical value. The documents are to be retained or discarded in accordance with the purging lists in rule 22.38.

 22.37(2) Purging shall be done prior to reproduction of an entire court file in preparation for destruction under Iowa Code section 602.8103. A file shall
- in preparation for destruction under Iowa Code section 602.8103. A file shall be purged only once, pursuant to the provisions of this rule in effect at the time of purging.

 22.37(3) Each clerk of the district court shall designate either the clerk or a
- **22.37(3)** Each clerk of the district court shall designate either the clerk or a deputy as the "Records Management Specialist." The records management specialist shall be responsible for implementing office procedures for records management and retention, including the implementation of this rule. The records management specialist shall be the local supervisor who will answer questions about purging any documents not on the lists provided in rule 22.38. Any question not answerable by the records management specialist shall be referred to the district court administrator, who may refer questions to the state court administrator.
- 22.37(4) The district court clerk need not give notice to any agency, attorney, party, or other group before purging any files under this rule and rule 22.38. Any government agency, historical society, group, or person may request and obtain any or all purged documents upon making written request to the local district court clerk, and tendering payment therefor. District court clerks shall cooperate with reasonable requests of local and state historicalsocieties when implementing purging operations.
- **22.37(5)** Case files will be excepted from this rule only upon court order signed by a majority of the district judges of that district. The order may prohibit purging specific court files in whole or part, and must state the reason for the prohibition.
- **22.37(6)** Purging of case files in proceedings involving parental notification of a minor's abortion under Iowa Code chapter 135L shall be in accordance with Iowa Ct. R. 8.32(3).

- 22.37(7) Orders appointing condemnation commissioners shall be retained for five years and then destroyed without reproduction.
- 22.37(8) One year after filing, district court clerks may destroy, without reproduction, "Confidential Information Forms" filed pursuant to Iowa Code section 602.6111.

22.38(1)	Civil case files.
(A) Reta	in in files:
(1) (Original notice.
(2) F	Petition.
(3) F	Return of service—affidavit of publication, certificate of state official
(1 e	ong arm/nonresident motorist, foreign corporations).
(4) A	Answe r.
(5) (Cross-petition.
- (6) A	Answer to cross-petition.
(7) C	Counterclaim.
(8) S	Signed-orders (original signed by judge).
	Decisions or decrees of court opinions. (10) Amended pleadings (see
Ħ	nos. 2, 4, 5, 6, or 7).
(11) \	Writs issued (return of service).
(12)	Entry of judgment.
(13)	Dismissal.
(14) (Jury verdict form (signed).
(15)-	Notice of appeal.
(16)	Procedendo from clerk of supreme court.
(17)	Agreement for judgment.
(18) (Offer to confess judgment.
	Acceptance of offer to confess judgment.
(20)	Execution/special execution.
(21)	Return on execution/sheriff's sale.
(22)	Stipulations.
(23)	Partial satisfactions.
(24)	Special-appearance.
 (25)	Claim for return of seized property.
(26) .	Application for forfeiture of seized property.
(27)	Release and/or satisfaction.
(B) Disce	ard from files (EXCEPT in those cases excluded in rule 22.37(1)):
(1)-/	All duplicates of original documents.
(2) I	Bonds,

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(c) Dismiss/demurrer
(d) Strike
— (e) Quash
(f) More specific statement
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- (h) Consolidation
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(k) Sanctions
(l) New trial
(m) Reconsideration
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(p) Consolidate or sever
(q) Judgment notwithstanding verdict
(r) Examinations of judgment debtor
(s) Substitute party
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(v) Citation for contempt
(4) Response to any motion.
——— (5) Briefs.
(6) Notice of deposition.
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——— (8) Interrogatories and answers.
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——— (10) Request for production.
——— (11) Response to request for production.
— (12)—Request for admissions and responses.
——— (13) Pretrial compliance reports.
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—— (15) Objections to trial certificate.
—— (16) Subpoenas.
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(18) Witness lists; exhibits lists.
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(20) Directions to sheriff for service.

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(22) Certificate of reporters re: costs of or taking deposition.
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(24) Scheduling order or notices.
(25) Orders that only set hearings.
(26) Strike list notices.
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——— (28) Entry of default.
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——— (30) Receipts for exhibits.
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——— (33) Affidavit of payments made.
- 22.38(2) Criminal case files.
- (A) Retain in files:
(1) Trial information and minutes of testimony.
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(5) Opinion or decision of court.
(6) All orders of court, except those only setting a hearing.
(7) Jury instructions.
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(10) Procedendo from clerk of supreme court.
(11) Notice of dismissal of appeal.
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(14) Presentence investigation report and associated reports.
(B) Discard-from files (EXCEPT in those cases excluded in rule 22.37(1)):
(1) All duplicates of original documents.
(2) All copies and originals of jail booking forms and receipts.
(3) All subpoenas issued and returned.
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(8) Recognizance agreements to appear.
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	(10) Motions:
	(a) To suppress and response
	(b) Change of venue and response
	(c) Limine and response
	(d) To dismiss and response
	(e) To sever trial and response
	(f) Bill of particulars and response
	(g) To amend trial information
	(h) For appointment of counsel
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	(j) To determine competency
	(k) To consolidate trial
	(l) For continuance
	(m) To correct sentence
	(n) Reduction of bail or review conditions of release
	(o) To revoke bail or pretrial release
	(p) To forfeit bail
	(q) To compel
	(11) Orders that only set hearings.
	(12) Briefs.
	(13) Proposed or requested jury instructions.
	(14) Pretrial conference reports, minutes, or orders.
	(15) Notices of depositions.
	(16) Scheduling notices.
	(17) Requests for transcripts.
	— (18) Registered mail receipt cards or letters returned.
	(19) Receipts for evidence.
	(20) Correspondence from attorneys.
	(21) Nonsubstantive correspondence from defendants.
	(22) Application to revoke probation, or to adjudicate guilt, or to revoke
	deferred judgment.
	(23) Magistrate's transcript.
	(24) Complaint forms.
	(25) Media coordinator requests.
	(26) Appearance of attorney.
	(27) Witness lists.
	(28) Notice of special defense, (i.e., insanity, intoxication, alibi, duress,
	etc.)
	(29) Iowa R. Crim. P. 2.14(2)(a), disclosure required upon receipt (Notice)
	— (30) Application for search warrant.

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22.38(3) Divorce/Dissolution of Marriage/Separate Maintenance/Child
Support and Paternity case files.
—(A) Retain in files:
(1) Original notice.
— (2) Petition for divorce, separate maintenance, dissolution of marriage,
child support, or to determine paternity.
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(4) Acceptance of service.
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(8) Signed orders (original signed by judge).
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(10) Amended pleadings (see nos. 2, 5, 6, or 7).
(11) Writs issued (return of service).
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——— (15) Procedendo from clerk of supreme court.
——— (16) Paternity test results.
(17) Petition or application for modification.
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(19) Order for temporary support or temporary custody.
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(24) Assignments of judgments and terminations of assignments.
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——— (26) Child support worksheets.
(27) Confidential information required under Iowa Code section 598.22B.
— (B) Discard from files:
(1) All duplicates of original documents.
(2) Bonds.
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(b) Change venue
— (c) Dismiss/demurrer

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(e) Quash
(f) More specific statement
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- (j) New-trial
(k) Reconsideration
(l) Enlarge and amend (Iowa R. Civ.P. 1.904(2))
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(n) Examinations of judgment debtor
- (o) Withdrawal of attorney
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(q) Citation for contempt
(4) Response to any motion.
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(7) Depositions transcripts.
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— (10) Requests for production.
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— (12) Requests for admissions and responses.
——— (13) Trial certificates.
——— (14) -Objections to trial certificates.
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— (18) Certificate of reporters re: costs of or taking depositions.
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(25) Proof of service by Child Support Recovery Unit.
- (26) Certificate of completion of parent education program.

Rules 22.37 to 22.38 Reserved.